

**Town of Underhill  
Development Review Board Minutes  
June 5, 2017**

**Board Members Present:**

Charles Van Winkle, Chairperson  
Matt Chapek  
Mark Green  
Karen McKnight  
Penny Miller  
Stacey Turkos

Bob Stone (11 Doon Road)  
Wally Stone (11 Doon Road)  
Ross Brewer (271 Poker Hill Road)  
Katelin Brewer-Colie (44 Booth Street, Burlington, VT)  
Peter Mazurak (42 Mapleville Depot, St. Albans, VT)  
Gretchen Daly (414 Vermont Route 15)  
Moses Daly (414 Vermont Route 15)  
Karl Riemer (411 Vermont Route 15)  
Ann Linde (70 Pleasant Valley Road)  
Nathan Goldman (70 Pleasant Valley Road)  
Irene Linde (68 Pleasant Valley Road)  
John Butler (62 Irish Settlement Road)  
Dean Grover (2044 Main St, Huntington, VT)

**Staff/Municipal Representatives Present:**

Andrew Strniste, Planning Director

**Others Present:**

Daniel Lee (15 Range Road)

**6:00 PM – 06/05/2017 DRB Public Meeting**

- 
- DRB Members convened at Town Hall at 6:30 PM.
  - [6:30] Chair Van Winkle called the meeting to order.
  - [6:30] Chair Van Winkle asked for public comment. No public comments were provided.

**6:30 PM – Stone Final Subdivision Review Hearing  
11 Doon Road (D0011)**

**Docket #: DRB-16-07**

- 
- [6:30] Chair Van Winkle began the meeting by explaining the procedure for a final subdivision review hearing. The applicant, Bob Stone, was before the Board to discuss the application pertaining to a two-lot subdivision of land C. Wallace & Patricia Stone owned, located at 11 Doon Road in Underhill, VT. The applicant's father and land owner, C. Wallace Stone, was also in attendance.
  - [6:33] No conflicts of interest were present, and therefore, no recusals occurred. Those who would be providing testimony were sworn in by Chair Van Winkle.
  - [6:34] Mr. Bob Stone provided an overview of the project, explaining that the lot will be accessed by an existing shared driveway. The applicant wished to use the existing driveway to preserve that natural drainage pattern occurring from one side of the road to the other. The applicant then stated that there were no plans for further development. Staff Member Strniste provided clarification on the site plan that was submitted in the Staff Report and the plans to be approved; further explaining that there were no changes made to the site plan, and therefore, the plans from the preliminary hearing were resubmitted. The plan submitted with the Staff report were the two possible locations of where the utilities will be placed since the placement of the utilities have not been identified yet. Board Member McKnight inquired about utilities on lot 3, to which Mr. Stone advised that there were none.
  - [6:43] Board Member Miller inquired about the culvert in "poor condition." Mr. Stone replied by stating that the culvert itself was in good condition, but the field stones around the culvert are in poor condition. Mr. Stone answered Board Member Chapek's inquiry

about Lot 3 by stating that the lot is not changing other than the creation of the right-of-way. Chair Van Winkle explained that the Board is typically wary of approving what the Underhill-Jericho Fire Department requests since the Board does not grant site plan approval, not that they are minimizing the Fire Department's recommendations.

- [6:47] Board Member Miller asked if the Board needed to reexamine what should be put on a site plan (e.g. building footprints and driveways), or whether they make a clear determination that the building footprints and driveways are for representation purposes only. A brief discussion ensued regarding the placement of the house and infrastructure. Staff Member Strniste advised that the Board could recommend that the Selectboard include UJFD's recommendations in their final access permit approval.
- [6:50] Board Member Miller inquired about the deed language. Mr. Stone advised that he used the language from the Chamberlin's road maintenance agreement.
- [6:52] Staff Member Strniste briefly discussed his comments from the Staff report with the Board. Mr. Stone commented that once the Board grants approval, everything else will be finalized. Board Member Miller asked who was the official applicant.
- [6:57] No other public comment was provided, nor were any more comments or questions provided by the Board.
- [6:58] Chair Van Winkle asked if the Board had enough evidence to close the evidentiary portion of the hearing, which the Board answered in the affirmative. He then asked for a motion to close the evidentiary portion of the hearing. Board Member Chapek made a motion to close the evidentiary portion of the hearing. Board Member McKnight seconded the motion, which was approved unanimously. Chair Van Winkle asked if the Board wanted to deliberate in closed or open session. The Board agreed to vote on whether to approve the application and then enter into closed deliberative session. Chair Van Winkle asked for a motion to approve the application and continue to craft the decision in closed deliberative session. Board Member Miller made the motion, which was seconded by Board Member Green. The Board unanimously voted to approve the application and craft the decision in closed deliberative session.
- [7:01] Chair Van Winkle advised the applicant of the amount of time the Board takes to craft the decision, as well as explaining that there was a 30-day appeal period once the decision is issued.

**7:02 PM – Brewer Conditional Use Review Hearing  
413 Vermont Route 15 (VT413)**

**Docket #: DRB-17-09**

- 
- [7:02] Chair Van Winkle began the meeting by explaining the procedure for a conditional use review hearing. The applicants, Ross Brewer and his daughter, Katelin Brewer-Colie, were before the Board to discuss their application regarding the conversion of an abandoned building to a mixed-use building with three apartments and office space on land Mr. Brewer owns, located at 413 Vermont Route 15 in Underhill, VT. The applicants' engineer, Peter Mazurak, and several abutting neighbors were in attendance.
  - [7:05] No conflicts of interest were present, and therefore, no recusals occurred. Those who would be providing testimony were sworn in by Chair Van Winkle.
  - [7:06] Ms. Brewer-Colie began by explaining their project, stating that they are looking to renovate the historic, abandoned building. The improvements would be performed without expanding the footprint. The proposed use is a mixed-use building containing three apartments and office space, which would be the home of a family business. Chair Van Winkle confirmed that the water supply would be coming from municipal water under Vermont Route 15, with on-site sewage. Ms. Brewer-Colie then explained that there would



be nine parking spaces, one of which is a handicapped parking space. She then stated that Mark Maheux, a nearby land owner, has agreed to the applicants using two parking spaces if needed to allow for overflow parking. Ms. Brewer-Colie then submitted an email from Mr. Maheux stating such. Next, Ms. Brewer-Colie explained that the business to be located in the building is a family business with four employees that are fine with walking from VT Park & Ride or the parking area near Jacob's Store.

- [7:10] Chair Van Winkle confirmed the hours of operation, which are 8:30 am to 4:30 pm. Ms. Brewer-Colie explained that the business is not a retail store front, as the business is an educational software company that has internal meetings and the occasional visitor. She then confirmed that the business will operate between Monday and Friday, no weekends.
- [7:12] Board Member Miller inquired about parking if the office space were to change to another type of business. Staff Member Strniste advised that parking is based on square footage and type of use, and if the use changes, then a conditional use permit would have to be sought. Chair Van Winkle stated that some residential tenants may not be present during the day which may free up some parking, but if parking becomes an issue, they may have to reexamine the situation. Ms. Brewer-Colie explained there were other opportunities for shared parking agreements such as the nearby church and Jacobs store.
- [7:15] Board Member Miller advised that at the last Conditional Use Hearing, they wanted to guarantee that the residential tenants had parking. She then asked about the fence on the south side of the lot, and whether that will remain to help shield Mr. Riemer's lot from car lights. Mr. Mazurak explained that better, solid fencing could be provided.
- [7:18] Chair Van Winkle inquired about trash and recycling. Ms. Brewer-Colie stated that they wished to erect a screened-in enclosure with roll-out bins on a concrete pad. She then stated that there would be minimum lighting – three lights total – one above the main entrance that would be a motion sensor light on a timer, one near the entrance to the apartment, and the other to the storage area entrance. The goal was to provide a porch light effect; no flood lights. Ms. Brewer-Colie then entered an exhibit into the record illustrating the types of lights to be used as well as a possible sign design. She then explained that they only wished to erect one sign, less than eight square feet, above the window, that had the name of the building and business. Board Member Miller asked if they should be approving the sign, or whether to delegate to staff. Chair Van Winkle advised that they should approve the design of the sign.
- [7:23] Staff Member Strniste provided an overview of his staff report comments, specifically identifying that a bicycle rack was not provided, and then asked about loading spaces.
- [7:24] A discussion ensued about snow removal. The applicants and engineer determined that snow could be placed in the southwestern part of the parking lot and on top of the wastewater field. Ms. Brewer-Colie explained that the nature of the deliveries were quick and small, and that they would typically back into the parking lot. Board Member Miller advised that the applicants would need to get the requisite permits from the Agency of Transportation and the Department of Public Safety. The applicants advised that they have already contacted both agencies, specifically VTTrans regarding municipal water and closing the northern access points.
- [7:29] Chair Van Winkle asked for public comments. Mr. Karl Riemer acknowledged that delivery trucks like UPS are not likely to back into the parking lot, but rather parking in the right-of-way, which he advised was large enough to accommodate them. He then expressed his concerns regarding the boundaries of the lots. Mr. Mazurak explained his firm performed deed research on the property and that their findings line up with the tax map. Chair Van Winkle explained that the Board relies upon the evidence presented to them, and



in this case, the engineer's plans. He then explained that the job of the Board is to determine which set of evidence is controlling when there is refuting evidence; however, in this case, there is no contradictory evidence.

- [7:35] Mr. Moses Daly also provided public comment. He explained that fixing up the building was great for the community. Mr. Daly then asked for information regarding the maintenance plan. Then he explained that in his opinion, the applicant was putting too much on the lot, and that two apartments would be more manageable, as he believes parking and snow removal will be a problem. Specifically, the swapping of parking spaces is not always the best solution. Board Member Miller explained that there has always been an age-old debate about the sharing of parking spaces. Board Member Green asked Mr. Daly to clarify if he thought the tenants would be parking inappropriately or if there would not be enough parking. Mr. Daly confirmed the former, specifically that the tenants will do whatever they wish, and if the use was less intense, the problem would not exist. Chair Van Winkle explained that the Board follows the Land Use & Development Regulations when issuing their decision. Mr. Mazurak explained that he has always seen the handicapped parking space count towards the parking requirement. Ms. Brewer-Colie advised that the landowner is closely linked to the business, and therefore, will be more attentive.
- [7:46] Ms. Gretchen Daly then provided public comment, specifically expressing her concern about snow removal during a bad snow year. She then asked if the connecting of the water main would be at the time as the sidewalk installation project. Mr. Mazurak explained that the applicants will be boring under the road. Ms. Daly then inquired about where tenants will get their mail, which Ms. Brewer-Colie confirmed would be inside the building. A brief discussion ensued about the inside layout of the build; however, Chair Van Winkle acknowledged that the Board is confined to the site plan. The Board will require as-built plans.
- [7:53] Chair Van Winkle inquired about stormwater runoff. Mr. Mazurak advised the Board that stormwater runoff would be to the west, directed to flow around the building. Furthermore, the applicant would be providing additional pervious surface with the addition of the wastewater system. Board Member McKnight inquired about runoff in the winter. Chair Van Winkle confirmed that the wastewater system would be below grade. Board Member Green inquired about what were to happen if the office space changes use. Ms. Brewer-Colie advised that they are limited to what is allowable by the wastewater permit, as a business is limited to six employees (15 gallons per person), while the apartments utilize a lot of the wastewater capacity at 140 gallons/bedroom.
- [7:57] No other public comment was provided, nor were any more comments or questions provided by the Board.
- [7:58] Chair Van Winkle asked if the Board had enough evidence to close the evidentiary portion of the hearing, which the Board answered in the affirmative. Board Members Miller and Green advised the applicant that the Board will be putting responsibility on the landowner for issues like trash removal. Mr. Reimer asked if one of the current garage bays could be used for additional parking, which the answer was no, as the handicapped space would be interfered with, in addition to the handicapped ramp.
- [8:01] Chair Van Winkle then asked if the Board had enough information to make a decision on the application, which the Board answered in the affirmative. Chair Van Winkle asked for a motion to close the evidentiary portion of the hearing. Board Member McKnight made a motion to close the evidentiary portion of the hearing. Board Member Chapek seconded the motion, which was approved unanimously. Chair Van Winkle asked if the Board wanted to deliberative in closed or open session. The Board agreed to vote on whether to approve the application and then enter into closed deliberative session. Chair



Van Winkle asked for a motion to approve the application and continue to craft the decision in closed deliberative session. Board Member Chapek made the motion, which was seconded by Board Member Green. The Board unanimously voted to approve the application and craft the decision in closed deliberative session.

**8:04 PM – Tomasi Preliminary Subdivision Review  
79 Pleasant Valley Road (PV079)**

**Docket #: DRB-17-02**

- 
- [8:04] Chair Van Winkle began the meeting by explaining the procedure for a preliminary subdivision review hearing. The applicant's consultant, Dean Grover, was before the Board to discuss the application on behalf of applicant pertaining to the two-lot subdivision of property owned by the Tomasi Living Trust, c/o Martha Tomasi Lane, located at 79 Pleasant Valley Road in Underhill, VT. Abutting neighbors were also in attendance.
  - [8:08] Mr. Grover stated that the project was a proposed two-lot subdivision, and the applicants were looking to sell the farmhouse and five acres of land while retaining Lot 2. The proposed development on Lot 2 will avoid wetlands and steep slopes. Chair Van Winkle confirmed that the lot is in public well Zone 3, which is 1000 feet from the well. A brief discussion ensued about prime agricultural lands and steep slopes. Board Member McKnight inquired about the proposed easement for the trail being in the deer wintering yard. Mr. Grover indicated that there are a lot of trails on the property and ascertaining the correct one was complicated. Chair Van Winkle stated that the object of the easement was to preserve the trail which also connects to the Albertini's land. Staff Member Strniste is to provide Mr. Grover a site plan of the Albertini subdivision illustrating the trail. Mr. Grover asked if Ms. Gregson has been contacted about the trail. Board Member McKnight advised that she did not want to see the deer yard interrupted by the trail. Chair Van Winkle asked Board Member McKnight what the characteristics of a deer yard were, which she responded: food supply, coniferous vegetation, and a water supply.
  - [8:19] Mr. Grover provided an overview of the water/wastewater systems. Board Member Miller inquired about the well shields. Mr. Grover explained that the primary wastewater system would be in ground while the replacement would be at grade, with easements for the existing farmhouse. Furthermore, Mr. Grover explained that the shields can overlap with one another, but the systems cannot overlap with the shields. Board Member McKnight confirmed that the trail was located towards the edge of the deer yard.
  - [8:23] A discussion ensued about the building envelope. Mr. Grover explained that after talking with Staff about the implications of an undersized building envelope, he is now proposing a larger building envelope. He submitted an exhibit of the updated building envelope, but stated he would be talking to the applicant about possibly enlarging the building envelope even more.
  - [8:26] Mr. Grover provided information about the utilities, and also explained that he enlarged the turnaround at the request of the fire chief.
  - [8:27] Board Member Miller confirmed that the applicant was not requesting any waivers.
  - [8:28] Staff Member Strniste provided an overview of his comments from the Staff Report, specifically highlighting the opportunity to preserve the old barn foundation. Chair Van Winkle said the Board could use this as an opportunity to revitalize the barn, and encourage the applicant to request a setback waiver to allow for the reconstruction of a barn on top of the old foundation rather than restricting the property.
  - [8:35] A discussion ensued about the pedestrian access easement. Mr. Grover explained that he felt there was enough space to accommodate pedestrian flow along Pleasant Valley Road within the existing public right-of-way except around the curve, which is where they



- provided the easement.
- [8:40] Mr. John Butler advised that there is a ditch along the road that does not allow for a pedestrian easement that adequately accommodates bicycles. Mr. Grover stated that a lot of runoff comes from Mountain Road, which Mr. Butler stated that this should be considered. Ms. Irene Linde stated that the ditch along Pleasant Valley Road was to accommodate runoff during the spring time. Mr. Grover asked what obligation his applicant had regarding the pedestrian easement & bikes and the drainage patterns, as he advised that they had provided a design. The Board explained that there is great community concern regarding the field, but will need to examine if the easement provides any benefit if it does not provide any value. Board Member McKnight advised that there was a flat area next to the field that was used in the past as a travel way. Staff Member Strniste advised that the intent of the easement was for pedestrian purposes rather than bicycles. Board Member Chapek advised that overflow parking for Casey's Hill is at the Underhill Central School per the rules of Casey's Hill, and therefore, providing some sort of easement would be beneficial, especially during the winter. Board Member Miller asked if the Board was satisfied with the easement provided, which the Board stated yes. A brief discussion ensued about liability and easements.
  - [8:51] Ms. Irene Line provided public comment, asking if the applicant could utilize a shared driveway with the farmhouse driveway rather than adding an additional access point. The Board informed Ms. Linde that the Selectboard already approved a preliminary access permit. Ms. Linde advised that she was concerned with traffic and the extra access point. Mr. Grover explained that a shared driveway would encumber the wastewater system and move the curb cut across Pleasant Valley Road more into the field so the access points could be directly across from one another. Board Member Chapek asked Staff Member Strniste if the Board could approve a lot on two sides of a road. Staff Member Strniste advised that the lot is considered contiguous per the Regulations.
  - [8:55] Ms. Ann Linde inquired about what building envelopes are, for which Chair Van Winkle provided the definition. Ms. Ann Linde then asked about the trail easement, and if the Tomasi's are willing to preserve the trail system. Board Member Turkos inquired about what jurisdiction the Board has over the trail system, and why it is not a Selectboard issue. She then advised that she would ask the Selectboard to create a map of the Underhill Trail System. Ms. Ann Linde then asked about the importance of the easement, which the Board responded that it prevents the land owner from putting up no trespassing signs. She then asked if the land trust would preserve this area, but Nathan Goldman advised that the property was not big enough for the Vermont Land Trust, but the trail system could pique their interest. Chair Van Winkle then informed the applicant of recreational liability insurance policy, but would need further information before making a firm stance on whether this can be utilized. Staff Member Strniste stated he would like to provide the applicant with a copy of the Albertini trail easement language, but it is still being drafted. Board Member McKnight recommended the applicant utilize the Jackson Hill Language. A discussion then ensued about liability. Board Member Green recommended using his GPS to ascertain the trail.
  - [9:16] No other public comment was provided, nor were any more comments or questions provided by the Board.
  - [9:17] Chair Van Winkle asked if the Board had enough evidence to close the evidentiary portion of the hearing, which the Board answered in the affirmative. He then asked for a motion to close the evidentiary portion of the hearing. Board Member Chapek made a motion to close the evidentiary portion of the hearing. Board Member Turkos seconded the motion, which was approved unanimously. Chair Van Winkle asked if the Board wanted to deliberative in closed or open session. The Board agreed to vote on whether to approve the

application and then enter into closed deliberative session. Chair Van Winkle asked for a motion to approve the application and continue to craft the decision in closed deliberative session. Board Member Miller made the motion, which was seconded by Board Member Chapek. The Board unanimously voted to approve the application and craft the decision in closed deliberative session.

#### 9:20 PM – Other Business

---

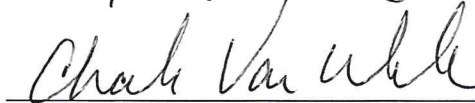
- [9:20] Mr. Daniel Lee interviewed for the open position on the Development Review Board. He provided the Board his background. Chair Van Winkle advised Mr. Lee what being a member of the Board entails, specifically that there is a lot of reading, dates of meetings, site visits, etc. Mr. Lee then explained he lived on Range Road, graduated from UVM and works for Building Heritage. He obtained a minor in Regional Planning, wants to be involved in the community, would enjoy the deliberative nature of the Board, and stated that he has the time to serve as a member.
- [9:34] Jobs captains were identified to be the following:
  - June 5 Hearings:
    - Stone Final Subdivision → Chair Van Winkle
    - Brewer Conditional Use Review → Board Member Miller
    - Tomasi Preliminary Subdivision → Board Member Chapek
  - June 19 Hearings:
    - Piney Grove Subdivision Amendment → Chair Van Winkle
    - Howard Variance Request → Board Member McKnight
    - Pepi Subdivision Amendment → Board Member Turkos
    - Hall Sketch Plan Review → Board Member Green (Board Member Chapek as an alternate)
- [9:48] Chair Van Winkle asked for a motion to approve the minutes of May 1, 2017. Board Member Miller made the motion as presented, which was seconded by Board Member McKnight. Motion approved unanimously.
- [9:49] Chair Van Winkle asked for a motion to enter into closed deliberative session for the Stone, Brewer and Tomasi applications. Board Member Miller made the motion as presented, which was seconded by Board Member Chapek. Motion approved unanimously.
- [9:50] Chair Van Winkle asked for a motion to adjourn. Board Member Chapek made a motion to adjourn, which was seconded by Board Member Miller. Motion approved unanimously.
- [9:50] Board adjourn.

---

Submitted by:

Andrew Strniste, Planning Director & Zoning Administrator

These minutes of the 06/05/2017 meeting of the DRB were accepted  
this 19 day of June, 2017.



Charles Van Winkle, Chairperson